

LUIS ARREDONDO
Claimant

The E-1 alleges March 10, 2003, and the work status form from Corporate Care, which is the first page of Claimant's Exhibit 1, indicates a date of accident of either March 8

or March 18, 2003. The copy provided to the Board is not clear. Both March 8 and March 18, 2003, would be within 10 days of March 10, 2003.¹

The first indication that claimant was receiving medical care is contained on the third and fourth pages of Claimant's Exhibit 1, the prescription refill sheets from Corporate Care. The prescription sheets for the medications Naproxen and Cyclobenzaprine both show date-filled dates of March 20, 2003.

The Board does note that the prescription sheets indicate that the medication was paid for in cash. However, that discrepancy is not explained in the record. The only testimony in the record, that being from claimant, was that he was referred to Corporate Care for treatment, including medication, after advising respondent of the accident. Based upon that somewhat skimpy testimony, the Board finds that claimant did provide notice of accident within 10 days as required by statute. Also, claimant's testimony that he told respondent of the accident approximately 30 days after experiencing the first pain does not coordinate with the medical evidence placed in the record. The Board can only assume that claimant's response was somewhat confused or perhaps, in some way, modified during the translation. The parties will have an opportunity at a regular hearing to clarify these apparent discrepancies.

As is always the case, preliminary hearing findings are not binding in a full hearing on the claim, but are instead subject to a full presentation of the facts.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Decision of Administrative Law Judge Robert H. Foerschler dated July 29, 2003, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 2003.

BOARD MEMBER

c: C. Albert Herdoiza, Attorney for Claimant
Mark E. Kolich, Attorney for Respondent
Robert H. Foerschler, Administrative Law Judge
Paula S. Greathouse, Director

¹ *McIntyre v. A. L. Abercrombie, Inc.*, 23 Kan. App. 2d 204, 929 P.2d 1386 (1996).